

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL HOOKER CONFERENCE ROOM
October 20, 2010
4:00 P.M.**

I. **ROLL CALL**

II. **OLD BUSINESS**

420 N. Washington Street, Michael Mazor, 10-TV-08. Request an extension of time to complete repairs. Previously heard March 10, 2010 and July 14, 2010.

1716 N. Lincoln Street, Jeff Olson, 10-TV-62. Request an extension of time to complete repairs. Previously heard July 14, 2010.

III. **NEW BUSINESS**

3939 W. Roll Avenue, Jamar Properties, 10-TV-81. Request an extension of time to complete repairs.

516-518 S. Woodlawn Avenue, H3 Rentals, Inc., 10-TV-82. Request an extension of time to complete repairs.

2350 S. Henderson Street, Beverley Chen, 10-TV-83. Request an extension of time to complete repairs.

[WITHDRAWN] **1701 & 1726 N. Lincoln Street**, Paul B. Jackson, 10-TV-85. Request an extension of time to complete repairs.

412 & 414 W. Northlane Drive, Marios G. Fellouka, 10-TV-86. Request an extension of time to complete repairs.

418 & 420 W. Northlane Drive, Constantia McClung, 10-TV-87. Request an extension of time to complete repairs.

602 W. Dodds Street, Daniel O. Miller, 10-TV-88. Request an extension of time to complete repairs.

3421-3423 E. Kennedy Drive, Lorelei Cascio-Sperry, 10-TV-90. Request an extension of time to complete repairs.

401-403, 411-413 S. Westwood Drive, Johann Dieken, 10-V-91. Request an exception or modification to the Housing Property Maintenance Code concerning egress.

[WITHDRAWN] **1275-1279 S. Weatherstone Lane**, Michael Latham, 10-TV-92. Request an extension of time to complete repairs.

1834-36, 1838-40, 1842-44, 1846-48, 1850-52, 1854-56 S. Covey Lane, Housing Options, 10-TV-93. Request an extension of time to complete repairs.

705 N. Grant Street, Mara Jade Holdings, LLC, 10-TV-94. Request an extension of time to complete repairs.

402 ½ & 404 ½ E. 4th Street, HAND, 10-RV-95. Request to rescind a variance.

IV. GENERAL DISCUSSION

VI. PUBLIC COMMENT

VII. ADJOURNMENT



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-08

Address: 420 N. Washington St.

Petitioner: Michael Mazor

Inspector: Bruce Jennings

Staff Report:

November 17, 2008	Cycle Inspection
November 20, 2008	Cycle report sent
January 23, 2009	Cycle re-inspection completed
January 23, 2009	Temp. Permit issued for exterior
June 2, 2009	Exterior Extension Reminder sent
November 17, 2009	Temp. Permit Expired
November 30, 2009	Remaining Violation report sent for exterior
December 07, 2009	Received Extension of Time Request
March 10, 2010	Extension of Time Granted
June 1, 2010	Deadline of Extension of Time
June 10, 2010	2 nd Request for Extension of Time
July 15, 2010	Extension of Time Granted
August 15, 2010	Deadline of Extension of Time
August 16, 2010	3 rd Request for Extension of Time received

During the cycle inspection it was noted that the windows would need re-glazing and exterior of the dwelling scraped and painted, these items were given a one year compliance deadline. At the cycle re-inspection these items had not yet been completed and a Temporary Permit was issued. An Exterior Extension Reminder was sent on June 2, 2009. Upon expiration of the temporary permit in November 2009 a Remaining Violations Report was issued. On December 7, 2009 a BHQA Request of an Extension of Time was received by the HAND Department for an additional one (1) year extension to complete exterior painting. Owner was granted additional time to complete exterior repairs and painting with the compliance date of June 1, 2010. The owner filed for an 2nd

BHQA extension of time on June 10, 2010, the BHQA gave him a new compliance deadline of August 15, 2010. The owner called HAND on Friday August 13, 2010, stating he had hired a painting company and asking for an extension to complete repairs. He was informed that he would need approval from the BHQA board. On August 16, 2010 a 3rd BHQA request for extension of time was received. As of this time the repairs have not been completed.

Staff recommendation: Staff recommendation is to deny the request.

Conditions: This case turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: August 15, 2010

Attachments: 3rd BHQA Application, Petitioner's Letter, Cycle Inspection report, Exterior Extension Reminder, Remaining Violations Report, 1st BHQA Application, HAND Staff Report, 1st NOBA, 2nd BHQA Application, HAND Staff Report, 2nd NOBA



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 420 N. WASHINGTON
Petitioner's Name: Michael Mazar
Address: 420 N. WASHINGTON
City: Bloomington State: IN Zip Code: 47408
Phone Number: 8123255338 E-mail Address: Michael@Pitaya.com
Owner's Name: Michael Mazar
Address: 10613 SW. 138th St.
City: WASHON State: WA Zip Code: 98070
Phone Number: 8123255338 E-mail Address: Michael@PITAYA.com
Occupants: Kyle Smechuizen, BRIAN PIKE

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: TV

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHOA)

10-TV-08 (OLD)

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

My house is currently under contract to be
painted and finished in Sept.
Please extend to Oct. 1.

Thank you!



Signature (Required):



Name (Print):

Michael Mazor

Date:

8/13/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.





City of Bloomington
Housing and Neighborhood Development

Cycle Report

1409

OWNERS

MAZOR, MICHAEL C.
417 E. KIRKWOOD
BLOOMINGTON, IN 47408

Prop. Location: 420 N WASHINGTON ST	Number of Units/Structures: 2 / 1
Date Inspected: 11/17/2008	Number of Bedrooms: 2-north; 1-south
Inspectors: Bruce Jennings	Max # of Occupants: 4/2
Primary Heat Source: Gas	Foundation Type: Basement
Property Zoning: RM	Attic Access: No
Number of Stories: 1	Accessory Structure: None

INTERIOR

North Unit

Living room (14'7"x12'8") Kitchen, bathroom

No Violations Noted.

East Bedroom (12'10"x9'7") West Bedroom (15'3"x14'9") egress door to exterior both rooms

No Violations Noted.

South Unit

This unit is still Owner Occupied

Basement

FURNACE - Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide, with the results of the test recorded on the statement of service. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

EXTERIOR

Replace the deteriorated deck board for the front porch at the front step. PM303.10

Replace the missing protective cover for the exterior light fixture for the back entry door on the back deck of the north unit. PM-605.1

Repair the window screen for the front west window at the front porch to operate as intended. The screen needs to be re-set into the track. PM303.14

The following items have been extended to September 30, 2009 for weather

Some of the window glass will need to be re-glaze. Inspect all the exterior window glass, replace the deteriorated glazing on the windows. PM-303.13.1

Scrape and paint exterior surfaces where paint is peeling, flaking or wood has become/is exposed. This will include window sashes, doors, all trim, siding, porch railing, ceilings, soffit/fascia, etc. PM-303.2

OTHER REQUIREMENTS

Other requirements

Required documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector before the Residential Rental Permit will be issued for this property. BMC16.12.050 (d)

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. A completed copy of

the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

In order to receive a Residential Rental Occupancy Permit for the maximum allowable number of years, all interior and exterior repairs must be completed and re-inspected within 60 days from the date this report was mailed, unless otherwise noted in the body of this report. Thank you in advance for your cooperation in the Residential Rental Occupancy Permit Program.



**City of Bloomington
Housing and Neighborhood Development**

NOV 30 2009

Remaining Violations Report

1409

OWNERS

MAZOR, MICHAEL C.
417 E. KIRKWOOD
BLOOMINGTON, IN 47408

Prop. Location: 420 N WASHINGTON ST	Number of Units/Structures: 2 / 1
Date Inspected: 11/17/2008	Number of Bedrooms: 2-north; 1-south
Inspectors: Bruce Jennings	Max # of Occupants: 4/2
Primary Heat Source: Gas	Foundation Type: Basement
Property Zoning: RM	Attic Access: No
Number of Stories: 1	Accessory Structure: None

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

EXTERIOR

Some of the window glass will need to be re-glazed. Inspect all exterior window glass and replace the deteriorated glazing compound on the windows. PM303.13.1

Scrape and paint exterior surfaces where the paint is peeling, flaking or wood has become/is exposed. This will include window sashes, doors, all trim, porch railings, ceilings, soffit/fascia, etc.
PM 303.2



**City of Bloomington
Housing and Neighborhood Development**

Exterior Extension Reminder

JUN 02 2009

1409

OWNERS

**MAZOR, MICHAEL C.
417 E. KIRKWOOD
BLOOMINGTON, IN 47408**

Prop. Location: 420 N WASHINGTON ST	Number of Units/Structures: 2 / 1
Date Inspected: 11/17/2008	Number of Bedrooms: 2-north; 1-south
Inspectors: Bruce Jennings	Max # of Occupants: 4/2
Primary Heat Source: Gas	Foundation Type:
Property Zoning: RM	Attic Access: No
Number of Stories: 1	Accessory Structure: None

This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on 11/17/2009.

If you have made all of the repairs on this report, contact our office immediately to schedule the required drive-by re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

EXTERIOR

Some of the window glass will need to be re-glazed. Inspect all exterior window glass and replace the deteriorated glazing compound on the windows. PM303.13.1

Scrape and paint exterior surfaces where the paint is peeling, flaking or wood has become/is exposed. This will include window sashes, doors, all trim, porch railings, ceilings, soffit/fascia, etc. PM 303.2



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
DEC 07 2009

BY: _____

Property Address: 420 N. Washington St.

Petitioner's Name: Michael Mazor

Address: 417 E. Kirkwood Ave.

City: Bloomington

State: Indiana

☒ Zip Code: 47408

Phone Number: 812.325.5338

E-mail Address: Michael@pitayaonline.com

Owner's Name: Michael Mazor

Address: 10613 SW 138th St.

City: Vashon

State: Washington

☒ Zip Code: 98070

Phone Number: 812.325.5338

E-mail Address: Michael@pitayaonline.com

Occupants: BRIAN PIKE, KYLE Smechuyzen

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)



Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

10-TV-08

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

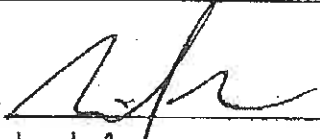
My inspector, Bruce Jennings, indicated that I need to re-glaze some windows (which windows?), and scrape and repaint the exterior where paint is peeling, flaking or wood has been exposed.

I'd intended to get this done this summer, but had complications, and now, weather will not allow this work to be done till at least the spring.

I'm requesting a one-year extension to complete.

Thank you!

Signature (Required):



Name (Print):

Michael Mazor

Date:

12/7/09

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.





City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: January 13, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-08

Address: 420 N. Washington St.

Petitioner: Michael Mazor

Inspector: Bruce Jennings

Staff Report:

November 17, 2008	Cycle Inspection
November 20, 2008	Cycle report sent
January 23, 2009	Cycle re-inspection completed
January 23, 2009	Temp. Permit issued for exterior
November 17, 2009	Temp. Permit Expired
November 30, 2009	Remaining violation report sent for exterior
December 07, 2009	Received Extension of Time Request

During the cycle inspection it was noted that the windows would need re-glazing and exterior of the dwelling scraped and painted. At re-inspection the re-glazing and painting had not been completed due to weather and a Temporary Permit was issued. During the remainder of the one year period numerous drive-by inspection were conducted, and the property remained in violation. Upon the expiration of the temporary permit a Remaining Violations Report was issued to the owner. On December 7, 2009 a Request of an Extension of Time was received by the HAND Department for an additional one (1) year extension to complete exterior painting.

Staff recommendation: The owner has had one year to complete exterior. Grant the extension of time with a deadline June 1, 2010

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: June 1, 2010

Attachments: Application, Petitioner's Letter, Cycle Inspection report



City of Bloomington
Housing and Neighborhood Development

NOTICE OF BOARD ACTION

March 10, 2010

Michael Mazor
4418 Bridgestone Dr.
Bloomington IN 47401

RE: Notice of Board Action

Dear Michael:

This letter provides notice of the action taken by the City of Bloomington Board of Housing Quality Appeals on your request for an extension of time to complete repairs. Details of the Board's action are provided below.

If you have further questions or concerns, City business hours are weekdays between 8:00 AM and 5:00 PM, and I can be reached at (812) 349-3420.

Sincerely,

Lisa Abbott
Director, HAND

Petition Number: 10-TV-08
Meeting Date: March 10, 2010
Address: 420 N. Washington
Board Action: ☒ Approved ☐ Not Approved ☐ Continued ☐ Tabled
Conditions: All repairs must be completed and reinspected no later than the deadline stated below or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Deadline: June 1, 2010



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 7, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-08

Address: 420 N. Washington St.

Petitioner: Michael Mazor

Inspector: Bruce Jennings

Staff Report:

November 17, 2008	Cycle Inspection
November 20, 2008	Cycle report sent
January 23, 2009	Cycle re-inspection completed
January 23, 2009	Temp. Permit issued for exterior
November 17, 2009	Temp. Permit Expired
November 30, 2009	Remaining Violation report sent for exterior
December 07, 2009	Received Extension of Time Request
March 10, 2010	Extension of Time Granted
June 1, 2010	Deadline of Extension of Time
June 10, 2010	2 nd Request for Extension of Time

During the cycle inspection it was noted that the windows would need re-glazing and exterior of the dwelling scraped and painted. At re-inspection the re-glazing and painting had not been completed due to weather and a Temporary Permit was issued. During the remainder of the one year period numerous drive-by inspection were conducted, and the property remained in violation. Upon the expiration of the temporary permit a Remaining Violations Report was issued to the owner. On December 7, 2009 a Request of an Extension of Time was received by the HAND Department for an additional one (1) year extension to complete exterior painting. Owner was granted additional time to complete exterior repairs and painting. As of deadline those items have not been completed

Staff recommendation: The owner has already had one year to complete exterior. Grant the second extension of time with a deadline August 15, 2010

Conditions:

All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline:

August 15, 2010

Attachments:

Application, Petitioner's Letter, Cycle Inspection report



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

Petitioner's Name: Michael Mazor

Petitioner's Address & Phone Number: 417 E. KIRKWOOD AVE, Bloomington, IN (812) 325-5338

Owner's Name: Michael Mazor

Owner's Address & Phone Number: 10613 SW 138th St. VASHON, WA 98070

Address of Property: 420 N Washington

Occupant(s) Name(s): BRIAN PIKE, KYLE SMITHUIZEN

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
↳ Specify the items that need the extension of time to complete
↳ Explain why the extension is needed
↳ Specify the time requested
- ☐ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
↳ Specify the code reference number you are appealing
↳ Detail why you are requesting the variance
↳ Specify the modifications and or alterations you are suggesting
- ☐ C. Relief from an administration decision. (Petition type: AA)
↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
↳ Detail the existing variance
↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: [Signature]

Name (print): Michael Mazor

(Will be assigned by BHQA)

OLD 10-TV-08

Petition Number: _____

(Please use the reverse side for further explanation and/or request)



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

I've been having difficulties finding a suitable contractor, and I'm still working to hire the right, certified company for the job. Please extend to Nov. 1, 2010. I hope to have this complete ASAP.

Thank you!

Michael Mazor

Signature:

A handwritten signature in black ink, appearing to be "M. Mazor".

Date:

6/10/10



City of Bloomington
Housing and Neighborhood Development

NOTICE OF BOARD ACTION

July 15, 2010

Michael Mazor
417 E. Kirkwood.
Bloomington, In. 47408

RE: 420 N. Washington, Bloomington, In. 47408

Dear Mr. Mazor,

This letter provides notice of the action taken by the City of Bloomington Board of Housing Quality Appeals on your request for an extension of time to complete repairs. Details of the Board's action are provided below.

If you have further questions or concerns, City business hours are weekdays between 8:00 AM and 5:00 PM, and I can be reached at (812) 349-3420.

Sincerely,

Lisa Abbott
Director, HAND

Petition Number: 10-TV-08
Meeting Date: July 14, 2010
Address: 420 N. Washington St.
Board Action: ☒ Approved ☐ Not Approved ☐ Continued ☐ Tabled
Conditions: All repairs must be completed and reinspected no later than the deadline stated below or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Deadline: August 15, 2010



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-62

Address: 1716 N. Lincoln Street

Petitioner: Jeff Olson

Inspector: Maria McCormick

Staff Report: The property owner is requesting an extension of time to secure a variance from the State of Indiana for the egress windows. They have filed with the state. All other violations noted on the cycle report have been complied.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: December 31, 2010

Attachments: 2nd Application for Appeal, Application to the State of Indiana and Notice of Board Action, Initial Application for Appeal

This is an extension request.

Page 1 of 2



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 1716 N. Lincoln Street

Petitioner's Name: Jeff Olson

Address: 15724 Shire Drive

City: Orland Park State: IL Zip Code: 60467

Phone Number: 708 369-8484 E-mail Address: jeffolson@ngolson.com

Owner's Name: Jeff Olson

Address: same as above

City: _____ State: _____ Zip Code: _____

Phone Number: same as above E-mail Address: jeffolson@ngolson.com

Occupants: owner occupied

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Egress Window

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-TV-62 (OLO)

Petition Number: _____

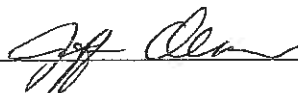
This fee already paid.
As per H.A.N.D. office - No fee necessary
for filing extension.

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

This is a request for extension to allow for the processing of application for variance with state of Indiana. Attached is application filed with IN dept. of Homeland Security. Please allow for more time to receive ruling from state.

Signature (Required):



Name (Print):

Jeff Olson

Date:

8/31/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

**APPLICATION FOR VARIANCE**

State Form 44400 (R4 / 6-10)

Approved by State Board of Accounts, 2008

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
402 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_bs_comm_code/



INSTRUCTION: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of the applicant

Title

Jeff Olson

owner

Name of organization

Telephone number

(708) 369-8484

Address (number and street, city, state, and ZIP code)

1716 N. Lincoln Street, Bloomington, IN 47408

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of person on behalf of the applicant

Title

Name of organization

Telephone number

()

Address (number and street, city, state, and ZIP code)

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional

License number

Name of organization

Telephone number

()

Address (number and street, city, state, and ZIP code)

4. PROJECT IDENTIFICATION

Name of project

State project number

County

Egress Window Variance

Monroe

Site address (number and street, city, state, and ZIP code)

1716 N. Lincoln Street, Bloomington, IN 47408

Type of project

☐ New☐ Addition☐ Alteration☐ Change of occupancy☒ Existing**5. REQUIRED ADDITIONAL INFORMATION**

The following required information has been included with this application (check as applicable):

- ☒ A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- ☐ One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- ☐ Written documentation showing that the local fire official has received a copy of the variance application.
- ☐ Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?

☒ Yes (if yes, attach a copy of the Correction Order)

No

Has a violation been issued? ☐ Yes (if yes, attach a copy of the Violation and answer the following)☒ No

Violation issued by:

☐ Local Building Department☐ State Fire and Building Code Enforcement Section☐ Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE	
Name of code or standard and edition involved <i>Egress window requirements</i>	Specific code section <i>PM-702.4</i>
Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary) <i>Window is a pop-out, total measurement 35" x 40" see attached photos.</i>	

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:

- ☒ Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- ☐ Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

Facts demonstrating that the above selected statement is true:

*Total window opening easily accessible for exiting.
Occupancy permits have been granted for
20 years with these windows.*

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

Select at least one of the following statements:

- ☐ Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
- ☐ Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
- ☒ Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.
- ☐ Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:

*If variance is not granted, multiple structures are
not in compliance from construction date, which
should have never been granted occupancy permits.
Extensive construction change would be necessary.*

10. STATEMENT OF ACCURACY

hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application <i>Jeff Olson</i>	Please print name <i>Jeff Olson</i>	Date of signature (month, day, year) <i>Aug. 31, 2010</i>
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

11. STATEMENT OF AWARENESS (if the application is submitted on the applicant's behalf, the applicant must sign the following statement)

hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant	Please print name	Date of signature (month, day, year)
------------------------	-------------------	--------------------------------------



City of Bloomington
Housing and Neighborhood Development

NOTICE OF BOARD ACTION

July 15, 2010

Jeff Olson
15724 Shire Drive
Orland Park, IL 60467

RE: 1716 N. Lincoln Street

Dear Mr. Olson,

This letter provides notice of the action taken by the City of Bloomington Board of Housing Quality Appeals on your request for a variance. Details of the Board's action are provided below.

If you have further questions or concerns, City business hours are weekdays between 8:00 AM and 5:00 PM, and I can be reached at (812) 349-3420.

Sincerely,

Lisa Abbott
Director, HAND

Petition Number: 10-TV-62
Meeting Date: July 14, 2010
Address: 1716 N. Lincoln Street
Board Action: ☒ Approved ☐ Not Approved ☐ Continued ☐ Tabled

Conditions: Receipt of the variance form the State of Indiana for the bedroom windows must be completed and received in our office no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Deadline: September 9, 2010

East Bedroom/Bath 13-1 x 10-4; West Bedroom/Bath 10-10 x 12-10:

No violations noted.

Egress window measurements (Year of Construction – 1990):

Openable area required: 5.7 sq. ft.

Existing area: 4.88 sq. ft.

Clear width required: 20 inches

Existing width: 35 inches

Clear height required: 24 inches

Existing height: 20 inches $\times 2 = 40''$

Maximum Sill Height: 44" above floor

Existing sill: 36" above floor

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

Original Request

Petitioner's Name: Jeff Olson

Petitioner's Address & Phone Number: 15724 Shire Dr. Orland Park, IL
708-369-8484

Owner's Name: Jeff Olson

Owner's Address & Phone Number: Same as above

Address of Property: 1716 N. Lincoln Street

Occupant(s) Name(s): Sara Olson

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
 ↳ Specify the items that need the extension of time to complete
 ↳ Explain why the extension is needed
 ↳ Specify the time requested
- ☒ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 ↳ Specify the code reference number you are appealing
 ↳ Detail why you are requesting the variance
 ↳ Specify the modifications and or alterations you are suggesting
- ☐ C. Relief from an administration decision. (Petition type: AA)
 ↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
 ↳ Detail the existing variance
 ↳ Specify the reason the variance is no longer needed

certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: Jeff Olson

Name (print): Jeff Olson

Petition Number: _____

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

* More time is needed to correct
dislodged wall board in attic area
due to roof being replaced by HOA.

* Extension needed in order for
Homeowners Assoc. to determine
replacement windows for whole
building. Construction was before
building code PM-702.4 requirements.

Signature: _____

[Handwritten Signature]

Date: _____

5-5-10



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010
Petition Type: An extension of time to complete repairs
Petition Number: 10-TV-81
Address: 3939 W. Roll
Petitioner: Jamar Properties
Inspector: Maria McCormick
Staff Report: July 7, 1010 Cycle Inspection

During the cycle inspection it was noted that in all 10 units the patio doors and decked need significant repair or to be replaced. The owner is asking for additional time to secure the funding necessary to make these repairs.

Staff recommendation: Grant the extension of time.
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: November 1, 2010.
Attachments: Application for Appeal, Cycle Report.

PS



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 3939 Roll Ave

Petitioner's Name: Jamar Properties

Address: P.O. Box 7812

City: Bloomington State: IN Zip Code: 47407

Phone Number: 812-330-8655 E-mail Address: Jamar Properties@yahoo.com

Owner's Name: Scott Muckerheide

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-TV-81

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

The property at Roll will need additional time to replace the patios and patio doors. There are ten units and each has a patio and door that have to be replaced.

Also the owner has limited funds and needs the extra time to collect money to pay for the repairs. He is asking until the end of October to have it reinspected.

Signature (Required):

James S Eiermann

Name (Print):

James Eiermann

Date:

8/10/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

RENTAL PERMIT INFORMATION

JUL 16 2010

Muckerheide Properties
3336 S. Rolling Oaks Drive
Bloomington, IN 47401,

Property Location: 3939 Roll Avenue

Please find enclosed the Cycle Inspection Report which detail recommendations and violations found during the recent inspection of your rental property. You have sixty (60) days from the date of this letter to correct the violations listed on the report.

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **SEP 16 2010** to schedule a reinspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

This report is issued in accordance with Section PM106.1 and PM106.2 of the Housing-Property Maintenance Code. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

Housing and Neighborhood Development Department

Enclosures: Inspection Report

Xc: Jamar Property Management



**City of Bloomington
Housing and Neighborhood Development**

Cycle Report

1702

OWNERS

**MUCKERHEIDE PROPERTIES
3336 S. ROLLING OAKS DR.
BLOOMINGTON, IN 47401**

AGENT

**JAMAR PROPERTY MGMT CO.
PO BOX 7812
BLOOMINGTON, IN 47407**

**Prop. Location: 3939 W ROLL AVE
Date Inspected: 07/09/2010
Inspectors: Maria McCormick
Primary Heat Source: Gas
Property Zoning: CG
Number of Stories: 2**

**Number of Units/Structures: 10 / 1
Number of Bedrooms: 9 - 2 / 1 - 3
Max # of Occupants: 4 / 5
Foundation Type: Slab
Attic Access: Yes
Accessory Structure: None**

Note: The first floor of this structure is commercial. Room dimensions are in the file. Only rooms with violations are listed in this report.

Typical Bedroom Windows:

Existing Egress Window Measurements:

**Height: 34 inches
Width: 33 ½ inches
Sill Height: 44 inches
Openable Area: 7.90 sq. ft.**

Existing Egress Window Measurements:

**Height: 33 ½ inches
Width: 21 inches
Sill Height: 44 inches
Openable Area: 4.88 sq. ft.**

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

INTERIOR:

Apt. 1 –

This unit was in the process of being remodeled at the time of inspection. Check at re-inspection. This unit must be brought into compliance within the 60 day deadline.

Apt. 2 –

Living Room:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Clean and service the exhaust fan above the stove so that it functions as intended. PM-603.1

Bathroom:

Seal the top of the shower surround. PM-304.1

Apt. 3 –

West Bedroom:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Replace closet doors so they function as intended. PM-304.6

Central Bedroom:

Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

East Bedroom:

Properly repair the water damaged drywall around the window frame. PM-304.3

Scrape and paint the door frame where paint is peeling or wood is exposed. PM-304.3

Repair the hole in the wall adjacent to the door. PM-304.3

Repair or replace closet doors so they function as intended. PM-304.6

Bathroom:

Properly repair floor between the bathtub and toilet. This includes but is not limited to replacing or repairing damaged or deteriorated floor covering, decking and structural members. PM-304.2 & PM-304.4

Living Room:

Clean the heating/air conditioning supply/return grille. PM-603.1

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Apt. 4 --

Living Room:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Bathroom:

Properly repair or replace the bathtub faucet to eliminate the constant leak and function as intended. PM-504.1

Utility Closet:

Temperature/pressure relief (TPR) valve discharge tubes:

- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. PM-505.4

Apt. 5 –

Living Room:

Properly repair or replace sliding glass door so that it is easily opened/closed and functions as intended and is weather tight. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Apt. 6 –

Living Room:

Properly repair or replace sliding glass door so that it is easily opened/closed and functions as intended and is weather tight. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Hallway:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

Repair the holes in the wall. PM-304.3

Kitchen:

Replace the missing protective cover for the light fixture. PM-605.1

A minimum **1A 10BC** classification fire extinguisher shall be **mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress.** The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

East Bedroom:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

Repair or replace closet doors so they function as intended. PM-304.6

West Bedroom:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

Repair or replace the window to open and close easily as intended and to be weather tight. PM-303.13

Repair or replace closet doors so they function as intended. PM-304.6

Properly repair or replace damaged carpeting in the doorway. PM-304.4

Bathroom:

Repair/replace the damaged door frame. PM-304.6

Seal the top of the shower surround. PM-304.1

Seal edge of floor covering adjacent to bathtub. PM-304.1

Repair the holes in the wall adjacent to the sink and behind the door.. PM-304.3

Entry Hall:

Repair the holes in the wall. PM-304.3

Apt. 7 –

Entry Hall:

Properly repair or replace the broken trim pieces. PM-304.3

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Properly repair the leaking sink faucet. PM-504.1

Living Room:

Properly repair or replace sliding glass door so that it is easily opened/closed and functions as intended and is weather tight. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

East Bedroom:

Repair or replace the window to open and close completely as intended and to be weather tight. PM-303.13

Properly repair the water damaged drywall around the window frame. PM-304.3

Hallway:

Repair the hole in the wall. PM-304.3

West Bedroom:

Repair or replace the window to open and close completely as intended and to be weather tight. PM-303.13

Bathroom:

Properly repair or replace the damaged drywall above the shower surround. PM-304.3

Apt. 8 –

Living Room:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

West Bedroom:

Repair or replace the window to open and close completely as intended and to be weather tight. PM-303.13

Repair or replace closet doors so they function as intended. PM-304.6

East Bedroom:

Repair or replace closet doors so they function as intended. PM-304.6

Apt. 9 --

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Living Room:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

Apt. 10 --

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the

month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Living Room:

Properly repair or replace the damaged and deteriorated wood on the patio door. This includes but is not limited to replacing or repairing damaged or deteriorated structural members. PM-303.15

Properly repair or replace the damaged and deteriorated deck. This includes but is not limited to replacing or repairing damaged or deteriorated decking, railings and structural members. PM-303.10

EXTERIOR:

Properly repair or replace the broken stringer on the eastern stairs leading to apartments 9 & 10. PM-303.10

Clearly label all disconnects for the air conditioning units. PM-604.1

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2
(This item only has a compliance deadline of 07/09/2011.)

OTHER REQUIREMENTS:

Required documentation:

Thoroughly clean and service the furnaces in each unit. Inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a **\$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-82

Address: 516-518 S. Woodlawn Avenue

Petitioner: Heather Hales w/H3Rentals

Inspector: Jo Stong

Staff Report: July 23, 2010: Received complaint regarding tree on this property that is losing large branches. The tree is growing out of the foundation of the house and is leaning over complainant's house.
July 27, 2010: Sent complaint report to owner.
August 12, 2010: Received appeal.

A drive-by inspection of the above property was conducted following a complaint call. Our office has had contact with the petitioner several times. She is requesting an extension of time until mid-October to remove the tree.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: October 29, 2010

Attachments: Appeal, photos



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 516-518 S. Woodlawn Avenue

Petitioner's Name: Heather Hales w/ H3 Rentals Inc.

Address: P.O. Box 491

City: Bloomington

State: Indiana

Zip Code: 47402

Phone Number: (812) 606-3081

E-mail Address: heather@h3rentals.com

Owner's Name: Dell Hales

Address: 1795 E. Maxwell Lane

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: 812-334-9920

E-mail Address: dell_hales@yahoo.com

Occupants: Not relevant for this complaint

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-TV-82

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Need time to schedule tree removal & to arrange finances for a significant unplanned expense, which has come up @ turnover time when resources are tight. Will be in compliance by mid/October.
Thanks!

Signature (Required):

Name (Print):

Heather Kates, 1-3 Rentals Inc. Date: 8/11/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



June 15



June 15





June 15

July 27





July 27





City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: 13 October 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-083

Address: 2350 S. Henderson St.

Petitioner: Beverley Chen

Inspector: Michael Arnold

Staff Report: 15 April 2010 Cycle Inspection
21 April 2010 Sent Report
08 June 2010 Reinspection scheduled
08 July 2010 Reinspection completed
16 July 2010 Sent Remaining Violations Report
18 August 2010 Reinspection scheduled
20 August 2010 Received Appeal

During the cycle inspection it was noted that the sleeping room egress windows did not meet the minimum requirements for the time of construction. The required and actual sizes are as follows:

The **emergency egress** window does not meet **the** minimum requirements for a **one and two family dwelling/multi-unit structure** built in **1983**:

Front and Rear Bedrooms:

Openable area required:	4.75sq. ft.	Existing area:	5.22sq. ft.
Clear width required:	20"	Existing width:	32"
Clear height required:	24"	Existing height:	23.5"
Maximum sill height:	44" above finished floor	Existing sill:	30"

Middle Bedroom:

Openable area required:	4.75sq. ft.	Existing area:	4.61sq. ft.
Clear width required:	20"	Existing width:	32"

102

Clear height required:	24"	Existing height:	20.75"
Maximum sill height:	44" above finished floor	Existing sill:	30"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: 13 January 2011.

Attachments: Application for Appeal, Remaining Violations Report



City of Bloomington
Housing and Neighborhood Development

Remaining Violations Report
Amended 23 August 2010

4511

OWNERS

=====

CHEN, JOSEPH S.
P.O. BOX 5754
BLOOMINGTON, IN 47402

AGENT

=====

CHEN, BEVERLEY
P.O. BOX 5754
BLOOMINGTON IN 47402

Prop. Location: 2350 S HENDERSON ST
Date Inspected: 04/15/2010
Inspectors: Mike Arnold
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 4
Max # of Occupants: 5
Foundation Type: Basement
Attic Access: N/A
Accessory Structure: none

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

Interior:

Lower Level:**Rear Bedroom (15-0 x 10-6):****This room has a door to the exterior**

Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key. PM-702.3

Main Level:**Kitchen:**

Secure the range exhaust fan to the underside of the overhead cabinet. PM-603.1

Upper Level:**Front Bedroom (10-0 x 8-6), Rear Bedroom (14-0 x 10-0):**

The **emergency egress** window does not meet the minimum requirements for a **one and two family dwelling/multi-unit structure** built in 19XX:

Openable area required:	4.75sq. ft.	Existing area:	5.22sq. ft.
Clear width required:	20"	Existing width:	32"
Clear height required:	24"	Existing height:	23.5"
Maximum sill height:	44" above finished floor	Existing sill:	30"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Repair/replace the damaged bedroom entry door. PM-304.6

Middle Bedroom (10-0 x 8-6):

The **emergency egress** window does not meet the minimum requirements for a **one and two family dwelling/multi-unit structure** built in 19XX:

Openable area required:	4.75sq. ft.	Existing area:	4.61sq. ft.
Clear width required:	20"	Existing width:	32"
Clear height required:	24"	Existing height:	20.75"
Maximum sill height:	44" above finished floor	Existing sill:	30"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is**

altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the cycle inspection or a **\$25.00 fine will be levied. BMC16.12.050 (d).**

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a **\$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

RECEIVED
AUG 20 2010
BY:

Petitioner's Name: Beverly Chen

Petitioner's Address & Phone Number: P.O. Box 5754

Owner's Name: Joseph Chen

Owner's Address & Phone Number: 2200 Olcott Blvd
Bloomington IN 47401

Address of Property: 2350 S. Henderson Bloomington IN 47401

Occupant(s) Name(s): _____

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
 2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
 ↳ Specify the items that need the extension of time to complete
 ↳ Explain why the extension is needed
 ↳ Specify the time requested
- ☐ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 ↳ Specify the code reference number you are appealing
 ↳ Detail why you are requesting the variance
 ↳ Specify the modifications and or alterations you are suggesting
- ☐ C. Relief from an administration decision. (Petition type: AA)
 ↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
 ↳ Detail the existing variance
 ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: _____

Name (print): _____

10-TV-83
Petition Number: _____

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

sending Application To The SDO
for variance requesting extension
of time

Signature:

A handwritten signature in black ink, appearing to be "BS" or similar, written over the signature line.

Date:

8-20-10



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to secure a state variance for egress windows.

Petition Number: 10-TV-86

Address: 412 - 414 W. Northlane Dr. Bloomington, In. 47404

Petitioner: Marios Fellouka

Inspector: Norman Mosier

Staff Report: 5 August 2010 - Conducted Cycle Inspection
27 August 2010 – Received BHQA Appeal

It was noted during the cycle inspection that the bedroom windows did not meet egress requirements at the time of construction. Owner needs an extension of time to secure the state variance.

Staff recommendation: Grant the extension of time.

Conditions: H.A.N.D. must receive a copy of the approved state variance before an occupancy permit will be issued.

Compliance Deadline: December 13, 2010.

Attachments: Cycle Report, Application for Appeal



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

RECEIVED
AUG 27 2010

BY: _____

Petitioner's Name: Marios Fellouka

Petitioner's Address & Phone Number: 581 E. Hillside Dr. Apt 202 Bloomington IN 47401

Owner's Name: Same as above

Owner's Address & Phone Number: Same as above - 317-379-6357

Address of Property: 412 and 414 Northlawn Dr. Bloomington IN 47404
412 → Paul Hass, Glenn Graves, Martin Stephen III

Occupant(s) Name(s): 414 → Elizabeth Lambertson, Laura Morris, Rebecca Shedy

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
 2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



A. An extension of time to complete repairs. (Petition type: TV)

- ↳ Specify the items that need the extension of time to complete
- ↳ Explain why the extension is needed
- ↳ Specify the time requested



B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- ↳ Specify the code reference number you are appealing
- ↳ Detail why you are requesting the variance
- ↳ Specify the modifications and or alterations you are suggesting



C. Relief from an administration decision. (Petition type: AA)

- ↳ Specify the decision being appealed and the relief you are seeking



D. Rescind a variance. (Petition type: RV)

- ↳ Detail the existing variance
- ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: _____

Name (print): Marios Fellouka

10-TV-86

Petition Number: _____

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

I am requesting an extension for all egress windows for both units. I need to file an application for variance with the Commission - (it's very expensive to replace the windows and also all windows in all buildings need to match) but first I need to have the Monroe County Building Dept. and Fire Dept. sign off and then submit the application. I am asking for the extension to be until end of November 2010 because the Commission meets only once a month.

Thank you

Signature: _____

[Signature]

Date: _____

8/27/10



**City of Bloomington
Housing and Neighborhood Development**

Cycle Report

4663

OWNERS

FELLOUKA, MARIOS
581 E. HILLSIDE DRIVE APT. 202
BLOOMINGTON, IN 47401

Prop. Location: 412 W. NORTHLANE DR
Date Inspected: 08/04/2010
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

GENERAL STATEMENT:

Egress window measurements for unit are as follows:

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1992

Height: 20.5 inches	Required: 24 inches
Width: 34 inches	20 inches
Sill Height: 36.25 inches	44 inches Max.
Openable Area: 4.84 sq. ft.	5.7 Sq. Ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

INTERIOR:

Front Porch:

Secure the handrail so it is capable of withstanding normally imposed loads, north side.
PM-303.12 (exterior) & PM-304.5 (interior)

Living Room 18-6 x 12:

No violations noted.

Utility Closet:

No violations noted.

Hall Bath/Laundry Room:

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster, behind door. PM-304.3

Kitchen/Dining Room:

Service the expired fire extinguisher. PM-704.3

2nd Level

Stairway/Hallway:

No violations noted.

Master Bedroom 14-10 x 9-10:

See general statement.

Master Bath:

No violations noted.

Hall Bath:

Repair the sink stopper assembly to function as intended. PM-504.1

NW Bedroom 12 x 9:

See general statement.

SW Bedroom 12 x 9:

See general statement.

Attic:

Restore the integrity of the draft stop/fire separation wall in the attic. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements. PM-703.

Crawlspace:

No violations noted.

EXTERIOR:

Properly label electrical service/meter disconnects with corresponding unit numbers. PM-701.2

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

Cycle Report

4664

OWNERS

FELLOUKA, MARIOS
581 E. HILLSIDE DRIVE APT. 202
BLOOMINGTON, IN 47401

Prop. Location: 414 W NORTHLANE DR
Date Inspected: 08/05/2010
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

GENERAL STATEMENT:

Egress window measurements for unit are as follows:

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1992

Height: 20.5 inches	Required: 24 inches
Width: 34 inches	20 inches
Sill Height: 36.25 inches	44 inches Max.
Openable Area: 4.84 sq. ft.	5.7 Sq. Ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

INTERIOR:

Living Room 18-6 x 12:

No violations noted.

Utility Closet:

No violations noted.

Hall Bath/Laundry Room:

No violations noted.

Kitchen/Dining Room:

Service the expired fire extinguisher. PM-704.3

Rear Deck:

Secure the dividing handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior) & PM-304.5 (interior)

2nd Level

Stairway/Hallway:

No violations noted.

Master Bedroom 14-10 x 9-10:

See general statement.

Master Bath:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials, east and west ends of ceiling. PM-304.3

Hall Bath:

Repair the sink stopper to function as intended, rod is stuck in place. PM-504.1

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials, north wall, above the shower. PM-304.3

NW Bedroom 12 x 9:

See general statement.

Attic:

Restore the integrity of the draft stop/fire separation wall in the attic. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements. PM-703.

SW Bedroom 12 x 9:

See general statement.

Crawlspace:

No violations noted.

EXTERIOR:

Properly label electrical service/meter disconnects with corresponding unit numbers. PM-701.2

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to secure a state variance for egress windows.

Petition Number: 10-TV-87

Address: 418 - 420 W. Northlane Dr. Bloomington, In. 47404

Petitioner: Constantia McClung

Inspector: Norman Mosier

Staff Report: 5 August 2010 - Conducted Cycle Inspection
27 August 2010 – Received BHQA Appeal

It was noted during the cycle inspection that the bedroom windows did not meet egress requirements at the time of construction. Owner needs an extension of time to secure the state variance.

Staff recommendation: Grant the extension of time.

Conditions: H.A.N.D. must receive a copy of the approved state variance before an occupancy permit will be issued.

Compliance Deadline: December 13, 2010.

Attachments: Cycle Report, Application for Appeal

ps



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

RECEIVED
AUG 27 2010

BY: _____

Petitioner's Name: Constantia McClung

Petitioner's Address & Phone Number: 12094 Bobbling Brook Rd. Noblesville
IN 46060

Owner's Name: Same as above

Owner's Address & Phone Number: Same as above 317-748-4791

Address of Property: 418 and 420 Northlawn Dr. Bloomington IN 47404
418 -> Matthew Blair, Bryan Sader, Joseph Castor

Occupant(s) Name(s): 420 -> Kristen Crawford, Mackenzie Cutter, Laura Williams

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
 2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
 ↳ Specify the items that need the extension of time to complete
 ↳ Explain why the extension is needed
 ↳ Specify the time requested
- ☐ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 ↳ Specify the code reference number you are appealing
 ↳ Detail why you are requesting the variance
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- ☐ C. Relief from an administration decision. (Petition type: AA)
 ↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
 ↳ Detail the existing variance
 ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: [Signature]

Name (print): Constantia McClung

10-TV-87

Petition Number: _____

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

Requesting an extension for all egress windows for the units. Need to file an application for variance with the Commission. (It's very expensive to change the windows and also all windows in all buildings need to match). I'm requesting for the extension to be until the end of November 2010. I need to have the Monroe County Building Dept. and Fire Dept. to sign off and then file all papers with the Indiana Dept. of Homeland Security - Code Services Section. They only meet once a month. Thank you!

Signature:

[Handwritten Signature]

Date:

8/27/10



City of Bloomington
Housing and Neighborhood Development

Cycle Report

4666

OWNERS

MCCLUNG, CONSTANTIA
12094 BABBLING BROOK ROAD
NOBLESVILLE, IN 46060

Prop. Location: 418 W NORTHLANE DR
Date Inspected: 08/04/2010
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

GENERAL STATEMENT:

Egress window measurements for unit are as follows:

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1992

<u>Height: 20.5 inches</u>	<u>Required: 24 inches</u>
<u>Width: 34 inches</u>	<u>20 inches</u>
<u>Sill Height: 36.25 inches</u>	<u>44 inches Max.</u>
<u>Openable Area: 4.84 sq. ft.</u>	<u>5.7 Sq. Ft.</u>

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

INTERIOR:

Living Room 18-6 x 12:

No violations noted.

Utility Closet:

No violations noted.

Hall Bath/Laundry Room:

No violations noted.

Kitchen/Dining Room:

Service the expired fire extinguisher. PM-704.3

2nd Level

Stairway/Hallway:

No violations noted.

Master Bedroom 14-10 x 9-10:

See general statement.

Master Bath:

No violations noted.

Hall Bath:

No violations noted.

NW Bedroom 12 x 9:

See general statement.

Attic:

Restore the integrity of the draft stop/fire separation wall in the attic, south side. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements. PM-703.

SW Bedroom 12 x 9:

See general statement.

Crawlspace:

No violations noted.

EXTERIOR:

Properly label electrical service/meter disconnects with corresponding unit numbers. PM-701.2

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

Cycle Report

4667

OWNERS

MCCLUNG, CONSTANTIA
12094 BABBLING BROOK ROAD
NOBLESVILLE, IN 46060

Prop. Location: 420 W NORTHLANE DR
Date Inspected: 08/05/2010
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

GENERAL STATEMENT:

Egress window measurements for unit are as follows:

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1992

Height: 20.5 inches	Required: 24 inches
Width: 34 inches	20 inches
Sill Height: 36.25 inches	44 inches Max.
Openable Area: 4.84 sq. ft.	5.7 Sq. Ft.

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

INTERIOR:

Living Room 18-6 x 12:

No violations noted.

Utility Closet:

Repair the right side bi-fold door to stay in the track. PM-304.6

Hall Bath/Laundry Room:

Secure toilet to its mountings. PM-504.1

Kitchen/Dining Room:

Service the expired fire extinguisher. PM-704.3

2nd Level

Stairway/Hallway:

No violations noted.

Master Bedroom 14-10 x 9-10:

See general statement.

Master Bath:

Secure toilet to its mountings. PM-504.1

Hall Bath:

Repair or replace exhaust fan so that it functions as intended. PM-603.1

NW Bedroom 12 x 9:

See general statement.

Attic:

Restore the integrity of the draft stop/fire separation wall in the attic. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements. PM-703.

Reconnect the dryer exhaust so that it vents to the exterior of the building envelope. PM-403.5

SW Bedroom 12 x 9:

See general statement.

Crawlspace:

No violations noted.

EXTERIOR:

Properly label electrical service/meter disconnects with corresponding unit numbers. PM-701.2



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010
Petition Type: An extension of time to complete repairs
Petition Number: 10-TV-88
Address: 602 W. Dodds
Petitioner: Daniel O. Miller
Inspector: Maria McCormick
Staff Report: June 1, 2010 Cycle Inspection
September 2, 2010 Application for Appeal
September 3, 2010 Re-Inspection

During the cycle inspection there were several violations noted including the need to re-glaze all the windows. At the re-inspection all violations were complied with the exception of the window re-glazing and exterior painting. The petitioner is requesting that they be granted an additional 90 day to complete the re-glazing of the windows.

Staff recommendation: Grant the extension of time.
Conditions: The re-glazing must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: December 1, 2010.
Attachments: Application for Appeal, Cycle Report, Remaining Violations Report.

B



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address:

402 W. DODD

Petitioner's Name:

DANIEL O. MILLER

Address:

200 E 3RD ST.

City:

BLOOMINGTON

State:

IN

Zip Code:

47401

Phone Number:

339-6148

E-mail Address:

DAMILLER@HOMEFINDER.ORG

Owner's Name:

ORCO PROPERTIES, LLC

ATTN: STACY SHUTTON

Address:

304 W. KINKWOOD AVE. SUITE 4

City:

BLOOMINGTON

State:

IN

Zip Code:

47404

Phone Number:

330-1361 EX 7719
812-260

E-mail Address:

SSHUTTON@CISWIRED.COM

Occupants:

ADAM KORNIA

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type:

EXTENSION OF TIME TO COMPLETE REPAIRS

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-7V-88

Petition Number:

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

NEED ADDITIONAL TIME TO RE-GLAZE
ALL WINDOWS. 90 DAYS REQUESTED

Signature (Required):

Name (Print):

DANIEL O. MILLER

Date:

9/1/10

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

5622

OWNERS

ORREGO, MAT
304 W. KIRKWOOD AVENUE
BLOOMINGTON, IN 47404

Prop. Location: 602 W DODDS ST
Date Inspected: 06/01/2010
Inspectors: Maria McCormick
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

AGENT

MILLER, DANIEL O.
PO BOX 1641
BLOOMINGTON, IN 47402

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 3
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: Garage

INTERIOR:

Living Room 13-6 x 17-7:

Repair the damaged window screen on the east windows. PM-303.14

Rear Living Room 13-3 x 10-3:

Repair or replace existing smoke detector in a manner so that it functions as intended. PM-704.1

SW Bedroom 9-11 x 14-3:

Repair the broken window glass in the west window. PM-303.13

Existing Egress Window Measurements:

Height: 26 ½ inches
Width: 25 inches
Sill Height: 23 ½ inches
Openable Area: 4.60 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom:

Repair or replace the cracked and damaged sink bowl. PM-504.1

North Central Bedroom 10-3 x 13-3:

No violations noted.

Existing Egress Window Measurements:

Height: 26 ½ inches

Width: 25 inches

Sill Height: 23 ½ inches

Openable Area: 4.60 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Dining Room 10-7 x 9-11:

No violations noted.

NW Bedroom 12-1 x 9-0:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. Properly repair the ceiling where it is cracked along the east wall. PM-304.3

Existing Egress Window Measurements:

Height: 19 ½ inches

Width: 29 inches

Sill Height: 36 inches

Openable Area: 3.94 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Basement:

Repair the broken window glass on the east wall. PM-303.13

Install/replace batteries in smoke detectors so that they function as intended. PM-704.1

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

EXTERIOR:

Replace the missing protective cover for the light fixture adjacent to the back door. PM-605.1

Properly secure the dryer vent housing to the house. PM-403.3

Properly repair the hole in the siding just north of the start of the addition, in a manner that leaves the structure weather tight and excludes the entrance of rodents. This is to be done in a workmanlike manner and includes but is not limited to all damaged or deteriorating siding and structural members. PM-302.7, PM-303.1 & PM-303.4

Replace the deteriorated glazing on all the windows. PM-303.13.1

Secure the handrail leading up the stairs from the sidewalk so it is capable of withstanding normally imposed loads. PM-303.12

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2
(This item only has a compliance deadline of June 1, 2011.)

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.04**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

Remaining Violations Report

5622

OWNERS

ORREGO, MAT
304 W. KIRKWOOD AVENUE
BLOOMINGTON, IN 47404

Prop. Location: 602 W DODDS ST
Date Inspected: 06/01/2010
Inspectors: Maria McCormick
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

AGENT

MILLER, DANILE O.
PO BOX 1641
BLOOMINGTON, IN 47402

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 3
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: Garage

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

INTERIOR:

Basement:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

EXTERIOR:

Replace the deteriorated glazing on all the windows. PM-303.13.1

Secure the handrail leading up the stairs from the sidewalk so it is capable of withstanding normally imposed loads. PM-303.12

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2
(This item only has a compliance deadline of June 1, 2011.)

OTHER REQUIREMENTS:

The following documents were not provided to the office or reviewed by the inspector within 60 days of the date of the inspection, and as such a fine will be levied:

- A completed copy of the Tenants & Owners Rights and Responsibilities Summary **BMC16.12.050 (d).**
- Inventory & Damage List: The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement **BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010
Petition Type: An extension of time to complete repairs
Petition Number: 10-TV-90
Address: 3421-3423 S. Kennedy Dr.
Petitioner: Lorelei Cascio-Sperry
Inspector: Norman Mosier
Staff Report: 28 June 2010 – Conducted Cycle Inspection
7 September 2010 – Received Application for BHQA Appeal

It was noted during the cycle inspection that the ½ Bath door on the main level was damaged and needed to be replaced. It was also noted that the SW bedroom door was damaged and needed to be replaced. Petitioner is requesting an extension of time to make the necessary repairs due to preparation of doors prior to installation.

Staff recommendation: Grant the extension of time.
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: October 31, 2010.
Attachments: Application for Appeal, Cycle Report.

14



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

Petitioner's Name: LOREN CASIO-SPERRY

Petitioner's Address & Phone Number: 1303 MATLOCK RD, BURN, IN, 47408

Owner's Name: LOREN CASIO-SPERRY

Owner's Address & Phone Number: SAME

Address of Property: 3421-3423 KENNEDY DR

Occupant(s) Name(s): _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

- ☒ A. An extension of time to complete repairs. (Petition type: TV)
↳ Specify the items that need the extension of time to complete
↳ Explain why the extension is needed
↳ Specify the time requested
- ☐ B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
↳ Specify the code reference number you are appealing
↳ Detail why you are requesting the variance
↳ Specify the modifications and or alterations you are suggesting
- ☐ C. Relief from an administration decision. (Petition type: AA)
↳ Specify the decision being appealed and the relief you are seeking
- ☐ D. Rescind a variance. (Petition type: RV)
↳ Detail the existing variance
↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: [Signature]

Name (print): PAUL F. SPERRY

10-TV-90
Petition Number: _____

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

Two Pools were Damaged Badly and Need To Be

Replaced: The Process of Replacing New Heaters

Running Does So Harder, a Refinishing is Taking

Longer Than We Anticipated - 30 Days

Signature: _____

[Handwritten Signature]

Date: _____

09-07-10



**City of Bloomington
Housing and Neighborhood Development**

RENTAL PERMIT INFORMATION

JUL 07 2010

Lorelei Flohr-Cascio-Sperry
1303 Matlock Road
Bloomington, IN 47408

Property Location: 3421-3423 S. Kennedy Drive

Please find enclosed the Cycle Inspection Report which detail recommendations and violations found during the recent inspection of your rental property. You have sixty (60) days from the date of this letter to correct the violations listed on the report.

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **SEP 07 2010** to schedule a reinspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

This report is issued in accordance with Section PM106.1 and PM106.2 of the Housing-Property Maintenance Code. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

Housing and Neighborhood Development Department

Enclosures: Inspection Report

Xc:



City of Bloomington
Housing and Neighborhood Development

Cycle Report

5272

OWNERS

=====

FLOHR-CASCIO-SPERRY, LORELEI
1303 MATLOCK RD.
BLOOMINGTON, IN 47408

Prop. Location: 3421, 3423 S KENNEDY DR
Date Inspected: 06/28/2010
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

Number of Units/Structures: 2 / 1
Number of Bedrooms: 3 each
Max # of Occupants: 5 each
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

NOTE: Furnace Documentation provided for both units.

INTERIOR:

Unit 3421:

Entryway:

No violations noted.

Water Heater Closet:

No violations noted.

Garage:

No violations noted.

Attic:

No Access.

1/2 Bath:

No violations noted.

Kitchen:

Replace the discharged fire extinguisher. A minimum **1A 10BC** classification fire extinguisher shall be **mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress.** The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

Dining Room 9-6 x 8-10:

No violations noted.

Rear Deck:

No violations noted.

Living Room 17 x 13-6:

No violations noted.

UPSTAIRS

Stairway/Hallway:

No violations noted.

Laundry Room:

No violations noted.

NW Bedroom 10-11 x 9-5:

No violations noted.

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 29.5 inches

Sill Height: 36.5 inches

Openable Area: 9.07 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. PM-304.3

NE Bedroom 9-6 x 9:

No violations noted.

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 29.5 inches

Sill Height: 36.5 inches

Openable Area: 9.07 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SE Bedroom 10-11 x 11:

No violations noted.

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 29.5 inches

Sill Height: 36.5 inches

Openable Area: 9.07 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Crawlspace:

No Access.

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

UNIT 3423

Entryway:

No violations noted.

Water Heater Closet:

No violations noted.

Garage:

No violations noted.

Attic:

No Access.

½ Bath:

Repair the holes in the door. PM-304.6

Kitchen:

No violations noted.

Dining Room 8-5 x 7-10:

No violations noted.

Rear Deck:

No violations noted.

Living Room 17-1 x 13-6:

No violations noted.

UPSTAIRS

Stairway/Hallway:

No violations noted.

Laundry Room:

No violations noted.

SW Bedroom 10-11 x 9-5:

Repair the holes in the door and repair the door to latch properly. PM-304.6

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 25.5 inches

Sill Height: 32 inches

Openable Area: 7.83 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Hall Bath:

No violations noted.

NE Bedroom 10-11 x 11:

No violations noted.

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 25.5 inches

Sill Height: 32 inches

Openable Area: 7.83 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SE Bedroom 9-8 x 9-2:

No violations noted.

Existing Egress Window Measurements: Dbl Hung pop out: Const. Yr. - 1994

Height: 44.25 inches

Width: 25.5 inches

Sill Height: 32 inches

Openable Area: 7.83 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Crawlspace:

No Access.

EXTERIOR:

Repair the soffit on the SW side of structure. PM-303.7

Trim all tree branches away from the siding and roofline to maintain a 3' clearance, SE corner.
PM-302.4.1

Properly label electrical service/meter disconnects with corresponding unit numbers. PM-701.2

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: 13 October 2010

Petition Type: Modification or exception to the Housing Property Maintenance Code/Extension of Time to complete repairs

Petition Number: 10-TV- 091

Address: 401, 403, 411, 413 Westwood

Petitioner: Johann Dieken

Inspector: Sean Person

Staff Report: 06 August 2010 Cycle Inspection conducted
07 September 2010 Received appeal

During the cycle inspection it was noted that the bedroom windows did not meet the minimum egress requirements for this structure at the time of construction (1977). The petitioner is requesting a modification or exception to the Housing Property Maintenance Code; however, HAND has recommended an extension of time to complete repairs.

Petitioner will need an extension of time in order to apply for a variance from the Department of Homeland Security as outlined in the attached cycle report.

Window requirements at the time of construction and dimensions of the existing windows are as follows:

Required:

Height: 22 inches
Width: 18 inches
Sill Height: 48 inches above finished floor
Openable Area: 4.75 sq. ft.

Existing:

Height: 20 ½ inches
Width: 32 ½ inches
Sill Height: 36 inches
Openable Area: 4.62 Sq. ft.

PL

Staff recommendation: Deny the request for a modification or exception to the Property Maintenance Code. Grant the petition an extension of time to seek a variance from the Department of Homeland Security's Fire Prevention and Building Safety Commission.

Conditions: There will be two deadlines for this property. 1. All repairs to the structure must be completed and re-inspected no later than the deadline stated below. 2. If the extension of time is granted the variance from the Department of Homeland Security must be submitted to our office by the second deadline. If either condition is not met this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines

Compliance Deadline: 1. (October 24, 2010) and 2. (January 15, 2011)

Attachments: Application, Cycle report

RECEIVED
SEP 07 2010



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

BY:.....

Property Address: 401, 403, 411 & 413 S. Westwood Dr. Bloomington, IN

Petitioner's Name: Johann Dieken

Address: 6551 W. May Rd

City: Bloomington

State: Indiana

Zip Code: 47403

Phone Number: (812) 327-3395

E-mail Address: j.dieken@hotmail.com

Owner's Name: Johann Dieken

Address: 6551 W. May Rd

City: Bloomington

State: Indiana

Zip Code: 47403

Phone Number: 812-327-3395

E-mail Address: j.dieken@hotmail.com

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: V)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-TV-91

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

I am requesting an exception to be made to the emergency egress window dimensions. The current windows have an existing area of 4.62 sq. ft. Code requires 4.75 sq. ft. This is a difference of .13 sq. inches.

In order for me to accommodate .13 sq. inches for eight windows, I would be looking at extensive renovations to purchase eight (8) new windows and the cost of placing them. The exterior around these windows are brick, which would mean that accommodating even a slightly larger window would require extensive exterior work and expense. Additionally, I think it would also be difficult to get the new work to properly blend with the current exterior. These types of renovations rarely blend well with the existing surface of the house.

I understand the need and importance of codes and regulations. But I also feel like these need to be applied with common sense. Is it common sense to require upwards of \$2000 in renovation to correct a .13 sq. inch shortcoming in code? And then one last point - these window dimensions have been in place since the units were built in 1977. Does it make sense to cite this shortcoming now after so many years after the fact as well as that this was also never cited in previous inspections?

Signature (Required):

Johann Dieken

Name (Print): Johann Dieken

Date: 9/7/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



**City of Bloomington
Housing and Neighborhood Development**

RENTAL PERMIT INFORMATION

AUG 24 2010

Johann Dieken
6551 W. May Road
Bloomington, IN 47403

Property Location: 411-413 S. Westwood Drive

Please find enclosed the Cycle Inspection Report which detail recommendations and violations found during the recent inspection of your rental property. You have sixty (60) days from the date of this letter to correct the violations listed on the report.

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **OCT 24 2010** to schedule a reinspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

This report is issued in accordance with Section PM106.1 and PM106.2 of the Housing-Property Maintenance Code. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

Housing and Neighborhood Development Department

Enclosures: Inspection Report

Xc:



**City of Bloomington
Housing and Neighborhood Development**

Cycle Report

2342

OWNERS

=====
DIEKEN, JOHANN
6551 W. MAY ROAD
BLOOMINGTON, IN 47403

Prop. Location: 413, 411 S WESTWOOD DR
Date Inspected: 08/06/2010
Inspectors: Sean Person
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 1

Number of Units/Structures: 2/1
Number of Bedrooms: 2 each
Max # of Occupants: 3 each
Foundation Type: Slab
Attic Access: Yes
Accessory Structure: None

INTERIOR

411

Living Room (11-1 x 19-2)

No violations noted.

Kitchen (11-1 x 8-5)

Thoroughly clean and service the furnace and replace the filter. PM-603.1

Hallway

Provide operating power to smoke detector. PM-704.1

Properly seal the entire perimeter of the tub/shower including the floor. PM-304.3

Bathroom

No violations noted.

Bedroom N (9-8 x 7-8)

The clear opening area for the emergency egress window shall not be blocked by furniture or storage. PM-102.3 & PM-702.4

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1977:

Openable area required: 4.75 sq. ft.	Existing area: 4.62 sq. ft.
Clear width required: 18 "	Existing width: 32 ½ "
Clear height required: 22 "	Existing height: 20 ½ "
Maximum sill height: 48 " above finished floor	Existing sill: 36 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bedroom S (9-8 x 7-8)

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1977:

Openable area required: 4.75 sq. ft.	Existing area: 4.62 sq. ft.
Clear width required: 18 "	Existing width: 32 ½ "
Clear height required: 22 "	Existing height: 20 ½ "
Maximum sill height: 48 " above finished floor	Existing sill: 36 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

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The clear opening area for the emergency egress window shall not be blocked by furniture or storage. PM-102.3 & PM-702.4

Living Room (11-1 x 19-2)

No violations noted.

Kitchen (11-1 x 8-5)

Thoroughly clean and service the furnace and replace the filter. PM-603.1

Repair the leak under the sink. PM-102.3, PM-102.8, & PM-504.1

Furnace Closet

Determine and eliminate the source of entry for the water/moisture in this room. Then properly clean, repair, or replace all items that have been adversely affected by the water/moisture. PM-304.3

Hallway

Install a smoke detector in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Bathroom

Bathroom exhaust shall be exhausted to the exterior of the structure and not recirculated to any space. PM-403.3

Bedroom N (9-8 x 7-8)

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1977:

Openable area required: 4.75 sq. ft.	Existing area: 4.62 sq. ft.
Clear width required: 18 "	Existing width: 32 ½ "
Clear height required: 22 "	Existing height: 20 ½ "
Maximum sill height: 48 " above finished floor	Existing sill: 36 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

The clear opening area for the emergency egress window shall not be blocked by furniture or storage. PM-102.3 & PM-702.4

Bedroom S (9-8 x 7-8)

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1977:

Openable area required: 4.75 sq. ft.	Existing area: 4.62 sq. ft.
Clear width required: 18 "	Existing width: 32 ½ "
Clear height required: 22 "	Existing height: 20 ½ "
Maximum sill height: 48 " above finished floor	Existing sill: 36 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

EXTERIOR

No violations noted.

OTHER REQUIREMENTS

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or **a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: 13 October 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-93

Address: 1834, 1836, 1838, 1840, 1842, 1844, 1846, 1848, 1850, 1852, 1854, 1856 S. Covey Ln.

Petitioner: Options

Inspector: Michael Arnold

Staff Report: 12 July 2010 Cycle Inspection
13 September 2010 Received Appeal

During the cycle inspection it was noted that the egress windows in the sleeping rooms did not meet the minimum required dimensions at the time the structure was built. The petitioner is requesting an extension of time to file for a variance from the State. The egress window measurements are as follows:

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Units 1834-1848

Openable area required:	4.75 sq. ft.	Existing area:	5.91 sq. ft.
Clear width required:	18"	Existing width:	37"
Clear height required:	24"	Existing height:	23"
Maximum sill height:	48" above finished floor	Existing sill:	43"

Units 1850-1856

Openable area required:	4.75 sq. ft.	Existing area:	5.47 sq. ft.
Clear width required:	18"	Existing width:	34.5"
Clear height required:	24"	Existing height:	23"

[Handwritten signature]

Maximum sill height: 48" above finished floor Existing sill: 1834-1856 S. Covey Ln. 2
31"

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: 13 December 2010

Attachments: Application for Appeal, Cycle Inspection Reports

Cycle Report

2893

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1834-1836 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 2 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Interior:

Unit 1834:

Living Room (14-0 x 12-0), Dining Room (11-0 x 10-0), Kitchen, Bathroom:

No violations noted

Front Bedroom (10-0 x 9-0), Rear Bedroom (12-0 x 10-0):

Existing Egress Window Measurements:

Height: 27 inches

Width: 37 inches

Sill Height: 43 inches

Openable Area: 6.94 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

No violations noted

Unit 1836:

Living Room (14-0 x 12-0), Dining Room (16-0 x 14-0):

No violations noted

Kitchen:

Replace the missing door knob on the laundry closet door. PM-304.1

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Front Bedroom (11-0 x 10-0), Rear Bedroom (12-0 x 11-0):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required:	4.75 sq. ft.	Existing area:	5.91 sq. ft.
Clear width required:	18"	Existing width:	37"
Clear height required:	24"	Existing height:	23"
Maximum sill height:	48" above finished floor	Existing sill:	43"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Cycle Report

2894

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1838-1840 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 2 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Interior:

Unit 1838:

Living Room (14-0 x 12-0), Dining Room (11-0 x 10-0), Kitchen:

No violations noted

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Front Bedroom (10-0 x 9-0), Rear Bedroom (12-0 x 10-0):

Existing Egress Window Measurements:

Height: 27 inches
 Width: 37 inches
 Sill Height: 43 inches
 Openable Area: 6.94 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

No violations noted

Unit 1840:**Living Room (14-0 x 12-0), Dining Room (16-0 x 14-0), Kitchen, Bathroom:**

No violations noted

Front Bedroom (11-0 x 10-0), Rear Bedroom (12-0 x 11-0):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required: 4.75 sq. ft.	Existing area: 5.91 sq. ft.
Clear width required: 18"	Existing width: 37"
Clear height required: 24"	Existing height: 23"
Maximum sill height: 48" above finished floor	Existing sill: 43"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Cycle Report

2895

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1842-1844 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 2 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Interior:

Unit 1842:

Living Room (14-0 x 12-0), Dining Room (11-0 x 10-0), Kitchen, Bathroom:

No violations noted

Front Bedroom (10-0 x 9-0), Rear Bedroom (12-0 x 10-0):

Existing Egress Window Measurements:

Height: 27 inches

Width: 37 inches

Sill Height: 43 inches
Openable Area: 6.94 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

No violations noted

Unit 1844:

Living Room (14-0 x 12-0), Dining Room (16-0 x 14-0). Kitchen, Bathroom:

No violations noted

Front Bedroom (11-0 x 10-0), Rear Bedroom (12-0 x 11-0):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required: 4.75 sq. ft.	Existing area: 5.91 sq. ft.
Clear width required: 18"	Existing width: 37"
Clear height required: 24"	Existing height: 23"
Maximum sill height: 48" above finished floor	Existing sill: 43"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged.

Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level: 0 parts per million (ppm)
 Acceptable level in a living space: 9 ppm
 Maximum concentration for flue products: 50 ppm
 PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Cycle Report

2896

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1846-1848 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 2 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Interior:

Unit 1846:

Living Room (14-0 x 12-0), Dining Room (11-0 x 10-0), Kitchen:

No violations noted

Bathroom:

Seal the top and sides of the shower surround. PM-304.1

Front Bedroom (10-0 x 9-0), Rear Bedroom (12-0 x 10-0):

Existing Egress Window Measurements:

Height: 27 inches
 Width: 37 inches
 Sill Height: 43 inches
 Openable Area: 6.94 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

No violations noted

Unit 1848:

Living Room (14-0 x 12-0), Dining Room (16-0 x 14-0), Kitchen, Bathroom:

No violations noted

Front Bedroom (11-0 x 10-0), Rear Bedroom (12-0 x 11-0):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required: 4.75 sq. ft.	Existing area: 5.91 sq. ft.
Clear width required: 18"	Existing width: 37"
Clear height required: 24"	Existing height: 23"
Maximum sill height: 48" above finished floor	Existing sill: 43"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Cycle Report

2897

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1850-1852 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 3 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Interior:

Unit 1850:

Refused entry by the tenant. Landlord shall reschedule time to inspect this unit. If the tenant still refuses entry then the landlord may ask for an extension of time to gain access or may request a Warrant of Entry for access to this unit.

Unit 1852:

Main Level:

Living Room (13-6 x 10-0), Dining Room (11-6 x 8-0), Kitchen (9-2 x 6-8):

No violations noted

Upper Level:

East Bedroom (11-6 x 9-4), NW Bedroom (8-9 x 8-6), SW Bedroom (10-0 x 8-3):

The window does not meet minimum egress requirements for a **one and two family dwelling** built in **1990**:

Openable area required:	4.75 sq. ft.	Existing area:	5.47 sq. ft.
Clear width required:	18"	Existing width:	34.5"
Clear height required:	24"	Existing height:	23"
Maximum sill height:	48" above finished floor	Existing sill:	31"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Repair the gfci outlet to be properly wired. Tests as open neutral. PM-605.1

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied.**
BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm

Maximum concentration for flue products: 50 ppm
PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Cycle Report

2898

OWNERS

=====

HOUSING OPTIONS

PO BOX 1732

BLOOMINGTON, IN 47402

AGENT

=====

MARTIN, TAMI A.

PO BOX 1732

BLOOMINGTON IN 47402

Prop. Location: 1854-1856 S COVEY LN

Date Inspected: 07/12/2010

Inspectors: Mike Arnold

Primary Heat Source: Gas

Property Zoning: PUD

Number of Stories: 2

Number of Units/Structures: 2 / 1

Number of Bedrooms: 3 each

Max # of Occupants: 3 each

Foundation Type: Slab

Attic Access: Yes

Accessory Structure: none

Unit 1854:

Main Level:

Living Room (13-6 x 10-0), Dining Room (11-6 x 8-0), Kitchen (9-2 x 6-8):

No violations noted

Upper Level:

East Bedroom (11-6 x 9-4), NW Bedroom (8-9 x 8-6), SW Bedroom (10-0 x 8-3):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required: 4.75 sq. ft.

Existing area: 5.47 sq. ft.

Clear width required: 18"

Existing width: 34.5"

Clear height required: 24"

Existing height: 23"

Maximum sill height: 48" above finished floor Existing sill: 31"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bathroom:

No violations noted

Unit 1856:

Main Level:

Living Room (13-6 x 10-0), Dining Room (11-6 x 8-0), Kitchen (9-2 x 6-8):

No violations noted

Upper Level:

East Bedroom (11-6 x 9-4), NW Bedroom (8-9 x 8-6), SW Bedroom (10-0 x 8-3):

The window does not meet minimum egress requirements for a one and two family dwelling built in 1990:

Openable area required: 4.75 sq. ft.	Existing area: 5.47 sq. ft.
Clear width required: 18"	Existing width: 34.5"
Clear height required: 24"	Existing height: 23"
Maximum sill height: 48" above finished floor	Existing sill: 31"

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance** with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bathroom:

No violations noted

Exterior:

No violations noted

Required Documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied.BMC16.12.050 (d).

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied.**
BMC16.12.040

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

Petitioner's Name:

Options

Petitioner's Address & Phone Number:

PO Box 1732 Blmngtn

47402

332-9615

Owner's Name:

Options

Owner's Address & Phone Number:

PO Box 1732 Blmngtn

47402

Address of Property:

1834-1856 S. COVY, even numbers only

Occupant(s) Name(s):

✓

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



A. An extension of time to complete repairs. (Petition type: TV)

- ↳ Specify the items that need the extension of time to complete
- ↳ Explain why the extension is needed
- ↳ Specify the time requested



B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- ↳ Specify the code reference number you are appealing
- ↳ Detail why you are requesting the variance
- ↳ Specify the modifications and or alterations you are suggesting



C. Relief from an administration decision. (Petition type: AA)

- ↳ Specify the decision being appealed and the relief you are seeking



D. Rescind a variance. (Petition type: RV)

- ↳ Detail the existing variance
- ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature:

Julie Bell

Name (print):

Julie Bell

Petition Number:

10TV93

(Please use the reverse side for further explanation and/or request).



Application for Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

(Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

We are filing a variance
for the window height
in all units.

60 days
120

Signature:

Rebell

Date:

9/13/10



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: October 13, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-94

Address: 705 N. Grant Street

Petitioner: Jason L. McAuley, Attorney for Owner

Inspector: Maria McCormick

Staff Report: August 10, 2010 Cycle Inspection Completed
August 12, 2010 Re-inspection Completed
At the cycle inspection it was noted that the windows in the Northwest main floor bedroom and the North basement bedroom did not meet code for the date of construction (1980). The owner of the property is requesting an extension of time until August 11, 2010 to install windows that will meet code at the time of construction.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: August 11, 2011

Attachments: Application for Appeal, Remaining Violations Report Report.



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 705 N. Grant Street, Bloomington, IN 47404

Petitioner's Name: Jason L. McAuley, Attorney for Owner

Address: 320 W 8th ST STE 118

City: Bloomington

State: Indiana

Zip Code: 47404

Phone Number: (812) 822-2526

E-mail Address: jason@mcauleylawoffices.com

Owner's Name: Mara Jade Holdings, LLC

Address: 404 E. 75th ST Apt 5E

City: New York

State: New York

Zip Code: 10021

Phone Number: 212-772-2001

E-mail Address: michael@michaelbrams.com

Occupants: Jason Brodsky; Bryant Donnowitz; Jonathan Rubin; Daniel Fishman; and Matt Gillis

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-TV-94

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Cycle Inspection Report dated 8-26-2010 cites the windows in the NW Bedroom and North Bedroom as not meeting the emergency egress requirements. To expand the windows and meet the requirements cited in the Report, may require the adjustment of floor joists and/or the ceiling structure. The lease term for the current tenants expires on July 20, 2011. Any remediation work occurring prior to such date would likely require 3 of the 5 tenants to vacate their bedrooms. The Owner respectfully requests the Board grant an extension of time to complete the above repairs until August 10, 2011.

Signature (Required):



Name (Print): Jason L. McAuley, Attorney for Owner Mara Jade Holdings, LLC

Date: 9/14/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



**City of Bloomington
Housing and Neighborhood Development**

SEP 09 2010

Remaining Violations Report

524

OWNERS

MARA JADE HOLDINGS, LLC
404 E. 75TH ST., APT 5E
NEW YORK, NY 10021

AGENT

JAMAR PROPERTIES
PO BOX 7812
BLOOMINGTON, IN 47407

Prop. Location: 705 N GRANT ST
Date Inspected: 08/10/2010
Inspectors: Maria McCormick
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Number of Units/Structures: 1 / 1
Number of Bedrooms: 5
Max # of Occupants: 5
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

VARIANCE

NOTE: The North and West basement rooms do not meet the minimum safety requirements for bedrooms.

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

NW Bedroom 10-4 x 11-0:

The **emergency egress** window does not meet the minimum requirements for a **one and two family dwelling/multi-unit structure** built in 1980: .

Openable area required: 4.75 sq. ft.	Existing area: 2.72 sq. ft.
Clear width required: 18"	Existing width: 19 ½ "
Clear height required: 24"	Existing height: 20"
Maximum sill height: 48" above finished floor	Existing sill: 36" above finished floor

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

North Bedroom 28-1 x 14-2:

The **emergency egress** window does not meet the minimum requirements for a **one and two family dwelling/multi-unit structure** built in 1980:

Openable area required: 4.75 sq. ft.	Existing area: 3.76 sq. ft.
Clear width required: 18"	Existing width: 34"
Clear height required: 24"	Existing height: 16"
Maximum sill height: 48" above finished floor	Existing sill: 51 ½ " above finished floor

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.02.040 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition to Rescind Variance**

Meeting Date: October 13, 2010

Petition Type: Rescind a Variance

Petition Number: 10-RV-95

Address: 402 ½ & 404 ½ E. 4th Street

Petitioner: HAND

Inspector: Maria McCormick

Staff Report: The basement apartments have not been in use as residential apartments the last several years. They were converted into commercial rental storage spaces. There is no longer a need for this property to have the variances on record.

Staff Recommendation: Rescind the variance

Conditions: None

Attachments: None

25



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 402 1/2 & 404 1/2 E. 4th Street

Petitioner's Name: HAND

Address:

City: **State:** **Zip Code:**

Phone Number: **E-mail Address:**

Owner's Name: Bruce R. Storm

Address: 322 E 4th Street

City: Bloomington **State:** Indiana **Zip Code:** 47408

Phone Number: **E-mail Address:**

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Rescind a variance. (Petition Type: RV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

10-RV-95

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

The basement units of this structure are no long in use as residential rental units. They are commercial storage units. The variances(8/1983; 9/1990; 11/1990; 7/2005; 1/2004) that are in place on this property are no long necessary.

Signature (Required):



Name (Print):

Date:

9/16/10

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

Cycle Report

2200

OWNERS

=====

STORM, BRUCE R.
322 E. 4TH ST.
BLOOMINGTON, IN 47408

Prop. Location: 402 ½ & 404 ½ E 4TH
Date Inspected: 09/08/2010
Inspectors: Maria McCormick
Primary Heat Source: Gas
Property Zoning: CD
Number of Stories: 2

Number of Units/Structures: 2 / 1
Number of Bedrooms: 2 ea.
Max # of Occupants: 3 ea.
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

VARIANCE

=====

08/17/1983 Granted a variance to the ceiling height & egress requirements for the basement Northwest apartment (402) provided there is no cooking. Granted variances to the ceiling height requirements throughout Apt. 402B-1, granted variance to the light & ventilation requirements in the living room of Apt. 402B-1, & granted variance to the egress requirements in the East bedroom of Apt. 402B-1.

09/13/1990 Granted the variance to the access requirements in the East bedroom of Apt. 402.

11/01/1990 Granted a variance to the minimum light, ventilation and ceiling height requirements in the East basement apartment.

07/07/2005 TWO WEST BASEMENT UNITS HAVE BEEN CONVERTED TO
COMMERCIAL STORAGE.

01/08/2004 Two commercial units in this structure.